

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HERACLIO SANTIAGO,

Plaintiff,

-against-

ANTHONY J. ANNUCCI, D.O.C.C.S.
ACTING COMMISSIONER;
SUPERINTENDENT LEROY FIELDS,
FISHKILL CORRECTIONAL FACILITY;
JACKQUELINE HERNANDEZ,
BROOKLYN PAROLE OFFICER,

Defendants.

20-CV-6391 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

On September 3, 2020, the Court received a letter from Plaintiff, *see* ECF No. 5, advising that he wishes to withdraw this action. The Court therefore grants Plaintiff's request. This action is withdrawn pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

The action is voluntarily dismissed pursuant to Fed. R. Civ. P. 41(a).

This order closes this case.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: September 8, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge